

ARGUMENTS/REMARKS

Claims 1 through 13 remain pending in the present application. Claim 1 has been amended for purposes of clarity.

In the Office Action, claims 1 through 3, 4, 6, 10, 12 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,137,926 to Pao (hereinafter "the Pao patent) in view of U.S. Patent No. 5,339,477 to Warner et al. (hereinafter "the Warner et al. patent").

Claim 1 is directed to a nail care system. The nail care system has a manicure bowl having a front wall, a sidewall, and a floor cooperating with each other to define an interior space for retaining fluid therein and a hand tool adapted to being powered. The system also has a plurality of adapter heads for interfacing with the hand tool, one of the plurality of adapter heads being a linear motion adapter head and another of the plurality of adapter heads being a rotary motion adapter head. The system also has a base housing having an aperture and defining a cavity therethrough for selectively receiving the manicure bowl therein and having a storage compartment for storing the powered hand tool and the plurality of motion adapter heads.

The Pao patent is directed to a portable battery operated manicure device having a case for holding a handheld tool. The tool has a motor that powers a shaft in a rotary motion for several attachments.

The Warner et al. patent is directed to a motorized nail kit for removing nail coatings. Warner et al. has a drawer 20 for holding tools and a rotatable container 48 for holding a cartridge 74. Cartridge 74 holds different treatments for the nails such as polish remover.

The Office Action states that "the base housing also include[es] a drawer 20 inherently being used as a manicure bowl . . . such that the front wall of the bowl [is] flush with an exterior surface of the base housing". (page 3). In fact, the Warner et al. patent states that the drawer 20 "need not be provided but [is] useful within the environment of use of the apparatus 10". In the Warner et al. patent, the container 48 and the cartridge 74 are also not a manicure bowl. The Warner et al. patent does not correct the structural deficiency in the Pao patent.

Further, the Office Action states that it would have been obvious to "employ the base housing as taught by Warner et al. into the nail care system of Pao for the purpose of removing nail polish". (Page 3) Applicant respectfully disagrees.

Again, modifying the base of the Pao patent with the Warner et al. patent would not yield the claimed invention. The base housing of the Warner et al. patent does not disclose any device for removing nail polish. Neither the Pao patent or the Warner et al. patent discloses the structural limitations of claim 1 and together they also do not. The combination as suggested would destroy the Pao patent because any drawer in the lower portion of the

casing would not leave any room for the hand held tool in the casing 1 of the Pao patent.

Further, the combination of the Pao patent and the Warner et al. patent lacks the element of the one of the plurality of adapter heads being a linear motion adapter head, as claimed. The Pao patent has a motor for only rotary motion and not oscillating motion. Having one of the adapter heads that operates as a linear motion buffer is not an obvious design choice. In both the Pao patent and the Warner et al. patent, two patents that are directed towards nail treatment, neither of the patents discloses or suggests the use of a linear motion buffer.

Reconsideration and withdrawal of the 35 U.S.C.103(a) rejections are respectfully requested.

Dependent claims 2 through 4 depend from independent claim 1 and are also not made obvious by the combination of the Pao patent and the Warner et al. patent for the reasons set forth above.

Dependent claim 6 depends from independent claim 1 and provides that the manicure bowl is selectively received in the cavity such that the front wall of the manicure bowl is flush with an exterior surface of said base housing at an interface between said front wall and said exterior surface of said base housing.

As discussed above with respect to claim 1, the modification of the nail care system of the Pao patent by the base of the Warner et al. patent would not make claim 6

obvious. The drawer 20 of the Warner et al. patent would interfere with the recess 41 for the handheld device in case 39 of the Pao patent. Any modification would certainly not make the front wall of the draw flush with an exterior surface of the base housing at an interface between said front wall and said exterior surface of base housing, as claimed. In fact, the manicure bowl would protrude from the front of the base housing.

Reconsideration and withdrawal of the 35 U.S.C. 103(a) rejections are respectfully requested.

Dependent claims 10 and 12 each depend from independent claim 1 and are also allowable for the reasons set forth above with respect to claim 1.

Dependent claim 13 depends from independent claim 1 and provides that the hand tool interfaces with one of the plurality of adapter heads having linear motion to impart a linear motion to a nail care attachment and interfaces with another of the plurality of adapter heads having rotary motion to impart a rotary motion to a nail care attachment.

As discussed above, the neither the Pao patent or the Warner et al. patent disclose or suggest that the hand tool interface with one of the plurality of adapter heads having linear motion to impart a linear motion to a nail care attachment and interfaces with another of the plurality of adapter heads having rotary motion to impart a rotary motion to a nail care attachment, as claimed.

The Pao patent has a motor for only rotary motion and not oscillating motion. The Warner et al. patent discloses a container that rotates and does not correct the deficiency of the Pao patent. As such, reconsideration and withdrawal of the 35 U.S.C.103(a) rejection are respectfully requested.

In the Office Action, claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pao in view of Warner et al. as applied to claim 1 above, and further in view of U.S. Design Patent No. D278,367 to Sussman (hereinafter "the Sussman design patent.")

The Sussman design patent shows a manicure bowl having a central mound that rises above the perimeter of the bowl to receive the palm of the hand and a series of contoured channels to receive the user's fingers.

Dependent claim 5 depends from claim 1 and provides that the floor of the manicure bowl be contoured to support a hand and fingers.

The Sussman design patent does not correct the deficiencies of either the Pao patent or the Warner et al. patent, as set forth above. Even assuming, the Pao patent and the Warner et al. patent were a valid combination, which it is not, the addition of the Sussman design patent would not make claim 5 obvious. The contour of the mound of the Sussman design patent rises above the perimeter of the bowl. The bowl would not be able to fit within the aperture and the cavity in the base housing because it would be too high.

As such, the Sussman design patent would not make claim 5 obvious. Reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection are respectfully requested.

In the Office Action, claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pao in view of Warner et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,787,903 to Blackshear (hereinafter "the Blackshear patent").

The Blackshear patent is directed to manicurist's workstation having a fan portion 42 and a heater portion 46 in a lateral support area of the work station.

Dependent claim 7 depends from independent claim 1 and provides that a fan be disposed in an interior space of the base housing for circulating air in the cavity.

Dependent claim 8 depends from claim 7 and provides for a heater for heating the air circulated by the fan.

After reviewing the disclosure and Fig. 5 of the Pao patent and the structure of the Warner et al. patent, Applicant does not see how the combination with the Blackshear patent would make claim 7 or claim 8 obvious. The Blackshear patent has a fan portion 42 and a heater/humidity control portion 46 that treat air that flows into hood portion 30. The base of the Pao patent has recesses to hold a tool and attachments. The base of the Warner et al. patent holds the electronics and the drawer 20. Even assuming the combination of the Pao patent

and the Warner et al. patent were valid, which it is not, the base of the resultant device could not accommodate any further devices, let alone a fan in an interior space of the base housing or a heater for heating the air circulated by the fan. This combination is the product of improper hindsight reconstruction obtained from Applicant's invention.

As such, the Blackshear patent does not make claims 7 and 8 obvious. Reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection are respectfully requested.

In the Office Action, claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pao in view of Warner et al as applied to claim 1 above, and further in view of U.S. Patent No. 4,979,523 to Grimm (hereinafter "the Grimm patent").

Dependent claim 9 depends from independent claim 1 and provides for at least one of an ultraviolet or infrared radiation source for delivering ultraviolet or infrared energy, respectively, to the cavity.

The Grimm patent is directed to a fingernail irradiation apparatus particularly for curing photocurable plastic artificial fingernails.

The Grimm patent does not correct the deficiencies of the Pao patent and the Warner et al. patent. As such, claim 9 is also allowable for the reasons set forth above with respect to claim 1.

In the Office Action, claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pao in view of Warner et al. as applied to claim 1 above, and further in view of U.S. Patent No. 361,366 to Paule (hereinafter "the Paule patent").

The Paule patent is directed to an electrical manicuring apparatus having a self contained electrical source and a cover that allows the apparatus to be used as a flashlight.

Dependent claim 11 depends from independent claim 1 and provides that the hand tool has a light source disposed on or in the hand tool for illuminating a workspace of the hand tool.

When the cover 35 of the Paule patent is connected to the housing, the bulb 38 can be energized. When the cover 35 is connected, all of the manicuring tools are not accessible for use. Accordingly, the Pao patent and the Warner et al. patent in combination with the Paule patent do not make claim 11 obvious and show a hand tool having a light source disposed on or in the hand tool for illuminating the workspace of the handtool, as claimed.

The Paule patent does not address the deficiencies of the Pao patent and the Warner et al. patent addressed above.

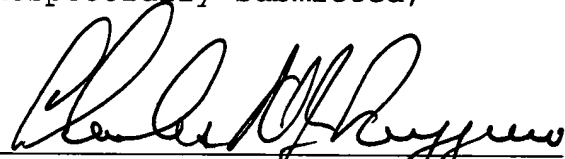
Reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection are respectfully requested.

Accordingly, Applicant respectfully requests favorable consideration and that this application be passed on to allowance.

Respectfully submitted,

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Date



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